



56.085, RSMo. The venue for seeking issuance of such subpoena shall be in Cole County. Any request for subpoena shall:

\_\_\_\_\_ (1) State the statute and section thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

\_\_\_\_\_ (2) Describe the class or classes of information, documentary material, or physical evidence to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

\_\_\_\_\_ (3) Prescribe a return date by which the information, documentary material, or physical evidence is to be produced; and

\_\_\_\_\_ (4) Identify the members of the secretary of state's staff to whom the information, documentary material, or physical evidence requested is to be made available.

\_\_\_\_\_ 3. No request for subpoena shall:

\_\_\_\_\_ (1) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state;

\_\_\_\_\_ (2) Require the disclosure of any documentary material which would be privileged or which, for any other reason, could not be required by a subpoena duces tecum issued by a court of this state;

\_\_\_\_\_ (3) Require any person to travel outside the county of his or her residence.

4. The secretary of state shall promulgate rules to effectuate the provisions of this section.

5. The secretary of state shall ensure the confidentiality of all reports, records, working papers, recorded information except that all such records shall be available to the local law enforcement officials if the secretary of state refers any alleged violation of this chapter for prosecution and to the local election authority except when the secretary of state alleges the local election authority has committed a violation of this chapter.

6. In investigating violations of this chapter the secretary of state and any local law enforcement officials shall refrain from any conduct which has the possibility of affecting the conduct or outcome of an election. No investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur prior to an election and subpoenas requested prior to an election shall be issued only if sufficient evidence exist that information or documents sought under the subpoena will be unavailable after the election.

7. The secretary of state shall have the power to access records that are closed under this chapter or under chapter 610, RSMo, if such records are necessary for the conduct of an investigation under this section.

8. Any rule or portion of a rule, as that term is defined

in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend said title, enacting clause and intersectional references accordingly.

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